## REMARKS

Reconsideration of this application is respectfully requested.

Claim 8 is directed to a residential building having a plurality of dwellings. Each of the dwellings includes a single-storey dwelling part and a two-storey dwelling part. The single-storey dwelling part of a lower dwelling being disposed beneath the single-storey dwelling part of an upper dwelling.

The <u>two-storey</u> dwelling part of the lower dwelling is set forth in claim 8 as having a floor which is on the <u>same</u> level as a floor of the one-storey dwelling part of the lower dwelling. The <u>two-storey</u> part of the lower dwelling has a ceiling which is on the <u>same</u> level as a ceiling of the one-storey dwelling part of the upper dwelling.

The <u>two-storey</u> dwelling part of the lower dwelling is set forth in claim 8 as having an open space which extends from the floor of the <u>two-storey</u> dwelling part of the lower dwelling to the ceiling of the <u>two-storey</u> dwelling part of the lower dwelling. This open space is at least partially defined by a <u>two-storey</u> first wall which extends from the floor of the lower dwelling to the ceiling of the <u>two-storey</u> dwelling part of the lower dwelling.

In addition, a <u>one-storey</u> second wall is set forth in claim 8 as extending from the ceiling of the one-storey dwelling part of the lower dwelling to the ceiling of the <u>two-storey</u> dwelling part of the <u>lower</u> dwelling. The one-storey second wall of the <u>two-storey</u> dwelling part of the <u>lower</u> dwelling forms at least a portion of a one-storey wall of the single-storey dwelling part of the <u>upper</u> dwelling. The one-storey second wall of the <u>two-storey</u> dwelling part of the <u>lower</u> dwelling separates at least a portion of the single-storey dwelling part of the upper dwelling from the <u>two-storey</u> dwelling part of the upper dwelling from the <u>two-storey</u> dwelling part of the lower dwelling.

Claim 8 defines over the prior art, and particularly the patent to Berman (3,755,974) by setting forth a <u>two-storey</u> dwelling part of the lower dwelling as having a ceiling which is on the <u>same</u> level as a ceiling of a one-storey dwelling part of an <u>upper</u> dwelling. Furthermore, the patent to Berman does <u>not</u> disclose a dwelling having an open space which is at least partially defined by: (1) a <u>two-storey</u> first wall <u>and</u> (2) a one-storey second wall which extends from a ceiling of one-storey dwelling part of a lower dwelling to the ceiling of the <u>two-storey</u> dwelling part of the lower dwelling.

Claim 8 further defines over the prior art, including the patent to Berman, by setting forth the one-storey second wall of the <u>two-storey</u> dwelling part of the lower dwelling as separating a portion of the single-storey dwelling part of the upper dwelling from the <u>two-storey</u> dwelling part of the lower dwelling. The patent to Berman discloses an open or cut out corner 74 (Fig. 4) which is aligned with a sitting-room section 75 of a dwelling. A balcony-like railing 76 extends around the opening.

Claims 9 through 16 depend from claim 8 and define over the prior art for substantially the same reasons as does claim 8 and by virtue of the structure and function set forth in these claims taken in combination with the structure and function of claim 8. Specifically, claim 9 sets forth the single-storey dwelling part of the lower dwelling as having a surface area which is at least as great as a surface area of the two-storey dwelling part of the lower dwelling. The patent to Berman does not disclose a building having a single-storey dwelling part with a surface area which is at least as great as the surface area of a two-storey dwelling part.

Claim 10 depends from claim 8 and sets forth a <u>two-storey</u> dwelling part as including an indoor area <u>and</u> an outdoor area. The outdoor area <u>outwardly</u> toward a <u>façade</u> of the building.

Claim 11 depends from claim 8 and sets forth the floor of the <u>two-storey</u> dwelling part of the lower dwelling as having the <u>same</u> surface area as the floor of the <u>two-storey</u> dwelling part of the upper dwelling.

Claim 12 depends from claim 11 and sets forth the floor of the single-storey dwelling part of the lower dwelling as having the same surface area as the floor of the single-storey dwelling part of the upper dwelling.

Claim 13 depends from claim 8 and sets forth the single-storey dwelling part of the upper dwelling as extending from the <u>two-storey</u> dwelling part of the <u>upper</u> dwelling to the <u>two-storey</u> dwelling part of the <u>lower</u> dwelling. The resulting staggered relationship between the upper and lower buildings is not disposed in the prior art.

Claim 14 depends from claim 13 and sets forth the single-storey dwelling part of the upper dwelling as being disposed <u>above</u> the single-storey dwelling part of the lower dwelling <u>throughout</u> the extent of the single-storey dwelling part of the upper dwelling.

Claim 15 depends from claim 8 and sets forth a lower storey as being disposed beneath the upper and lower dwellings. The lower storey has the <u>same</u> ceiling height throughout the extent of the lower storey. The prior art, and particularly the patent to Berman, does <u>not</u> disclose a lower storey which is disposed beneath upper and lower dwellings and has the same ceiling height throughout the extent of the lower storey.

Claim 16 depends from claim 8 and sets forth the <u>two-storey</u> dwelling part of the lower dwelling as including an indoor area <u>and</u> an outdoor area which

opens outwardly toward a façade of the building. The <u>two-storey</u> dwelling part of the upper dwelling includes an indoor area and an outdoor area which opens outwardly toward the façade of the building. The outdoor area of the <u>two-storey</u> dwelling part of the lower dwelling is horizontally <u>offset</u> from the outdoor area of the <u>two-storey</u> dwelling part of the upper dwelling.

In view of the foregoing remarks, it is believed that the claims in this application clearly and patentably define over the prior art. Therefore, it is respectfully requested that the claims be allowed and this application passed to issue.

If for any reason the Examiner believes that a telephone conference would expedite the prosecution of this application, it is respectfully requested that the Examiner call applicant's attorneys in Cleveland, Ohio at 621-2234, area code 216. Please charge any deficiency in the fees for this application to our Deposit Account No. 20-0090.

Respectfully submitted,

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